

an illuminating optical system that emits at least one of visible light, and excitation light which causes biotissues to fluoresce, toward the object;

an objective optical system that converges light from the surface of the object to form an object image; and

an image capturing system that captures an optical image formed by said objective optical system.

#### REMARKS

Reconsideration and allowance of the present application is respectfully requested.

Claim 2 stands rejected under 35 U.S.C. §112, second paragraph, as being indefinite. By the current amendment, Applicants cancel, without prejudice, claim 2. However, Applicants expressly reserve the right to submit similar type claims in another application. In view of the cancellation of claim 2, the ground for the 35 U.S.C. §112, second paragraph rejection no longer exists. Accordingly, the Examiner is respectfully requested to withdraw this ground of rejection.

Claims 1-12 stand rejected under 35 U.S.C. §103(a) as being obvious over U.S. Patent 6,485,413 to BOPPART et al. Applicants respectfully traverse this ground of rejection.

According to the instant invention, a driving unit moves an interferometer unit towards and/or away from an object. Applicants submit that at least this feature is lacking from BOPPART et al. A review of BOPPART discloses that a driving unit moves a fiber/lens unit, and not an interferometer unit (as taught by Applicants' invention).

Accordingly, Applicants submit that even if one attempted to modify BOPPART in the manner suggested by the Examiner, one would fail to arrive at the instant invention, as defined by claim 1, as such a device would fail to include a driving unit that drives an interferometer. Accordingly, Applicants submit that the present invention is not obvious over BOPPART, and respectfully requests withdrawal of this ground of rejection.

Further, Applicants note that in rejecting the claims, the Examiner alleges that it would have been obvious at the time of the invention to provide a driving means to translate an interferometer unit, but fails to cite any reference teaching or even suggesting the desirability of such a feature. Applicants question why the Examiner did not cite a reference disclosing Applicants' driving unit, if such a feature is obvious, as alleged by the Examiner. Applicants submit that it is inappropriate to attempt to reject a claim as being obvious without citing any prior art reference. Accordingly, Applicants submit that an additional basis exists for concluding that the present invention, as defined by the claims, is patentable over the applied art of record.

By the present amendment, Applicants have reviewed and revised the claims to place them in closer conformance with standard U.S. practice. Specifically, Applicants have revised the claims to ensure that all elements have a proper antecedent basis. The current amendments to the claims have not been made to overcome any prior art, and thus, no estoppel should attach thereto.

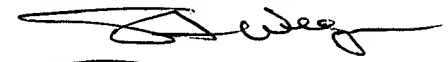
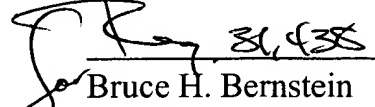
SUMMARY AND CONCLUSION

In view of the fact that the art of record fails to disclose or suggest the present invention, as defined by the pending claims, and in further view of the above, reconsideration of the Examiner's action and allowance of the present application are respectfully requested and are believed to be appropriate.

Should the Commissioner determine that an extension of time is required in order to render this response timely and/or complete, a formal request for an extension of time, under 37 C.F.R. §1.136(a), is herewith made in an amount equal to the time period required to render this response timely and/or complete. The Commissioner is authorized to charge any required extension of time fee under 37 C.F.R. §1.17 to Deposit Account No. 19-0089.

If there should be any questions concerning this application, the Examiner is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,  
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Enclosure: APPENDIX A - MARKED UP CLAIMS

APPENDIX A - MARKED UP CLAIMS

1 (Amended). An endoscope system, comprising:

- a light guide including a plurality of optical paths;
- a low-coherent light source that emits low-coherent light beams, said low-coherent light source being provided at a proximal end side of said light guide, the light beams emitted by said low-coherent light source being incident on said plurality of optical paths, respectively;
- an interferometer unit, including:
  - a beam splitting element that splits each of the low-coherent beams emitted from [the] a distal end of said light guide and emits one split beam of each of the low-coherent beams to an object;
  - a reference optical system that guides [the] an other split beam of each of the low-coherent beams;
  - a reflector unit that reflects the other split [beams] beam of each of the low-coherent beams guided by said reference optical system toward said beam splitting element;
- and
- a light detecting device that detects an interfered beam generated by interference, at said beam splitting element, between [the] a beam reflected by the object and the other split beam reflected by said reflector unit;

a driving unit that moves said interferometer unit at least one of towards and away [toward/away] from the object; and

a signal processing system that generates a tomogram based on signals detected by said light detecting device.

5 (Amended). The endoscope system according to claim 1, wherein said interferometer unit is accommodated in [the] a distal end portion of the endoscope system.

6 (Amended). The endoscope system according to claim 1, wherein said driving unit includes:

a driving force supply that is provided at [the] a proximal end side of said endoscope system and supplies a driving force; and

a force transmitting member that is connected to said driving force supply and said interferometer unit, said force transmitting member transmitting the driving force supplied by said driving force supply and moves said interferometer unit.

8 (Amended). The endoscope system according to claim 7, further comprising:  
a collimating lens array that is formed with a plurality of lens surfaces that collimates each [of the beams] beam emitted from said fiber array into a parallel light beam, each [of said] parallel light [beams] beam being directed toward said beam splitting element; and

a collective lens array including a plurality of lens surfaces that converges one [of the] parallel [beams] beam split by said beam splitting element on the object.

10 (Amended). The endoscope system according to claim 1, further comprising:  
an illuminating optical system that emits at least one of visible light, and excitation light which causes biotissues to fluoresce, toward the object;  
an objective optical system that converges [the] light from the surface of the object to form an object image; and  
an image capturing system that captures [the] an optical image formed by said objective optical system.